

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

By this amendment, claims 1, 14, and 19 have been amended, and new claims 32-39 added. Thus, claims 1-39 are currently pending in the application and subject to examination.

In the Office Action mailed September 21, 2004, the Examiner rejected claims 1-19 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Independent claims 1, 14, and 19 have been amended responsive to this rejection. The Applicants submit claims 1-19, as amended, are directed toward inventions within the technological arts, and that the claims are not subject to rejection under 35 U.S.C. § 101. If any amendment to these claims is suggested with regard to this rejection, the Examiner is requested to contact the Applicant's undersigned representative.

Claims 1-31 were rejected under 35 U.S.C. § 102(b) based on public use or sale of the invention. It is noted that claims 1, 14, and 19 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

Claim 1 stands rejected based on public use or sale of the invention. In making this rejection, the Examiner asserts that the invention of claim 1 has been on sale and/or in use since February 4, 2001, and cites www.4glsoftware.com; March 3, 2001, retrieved from the Wayback machine, hereinafter referred to as "4GL". The Applicants submit that 4GL does not disclose the features of the present invention.

4GL discloses a system for storing information specifying how frequently services should be provided to a child under an individualized education plan (IEP). For example, as described on page 5, lines 16-18, 4GL stores information specifying that "this child should be getting 1 hour per week of speech, and 30 minutes monthly of counseling, and 10 hours weekly of classroom instruction." The 4GL system also tracks timelines, which specify due dates by which reevaluations, assessments, and the like should be provided. See 4GL, page 5, lines 6-7.

4GL only receives and stores information specifying how frequently services should be provided and due dates for these services. 4GL does not, for example, calculate a number of services to be provided in a particular date range. Furthermore, 4GL does not receive or store information specifying services that have been provided. Neither does 4GL receive or store information specifying attempted or missed services.

Amended claim 1 is directed to a method for service gap analysis, including "electronically determining the expected number of services within the date range." As discussed above, 4GL does not calculate a number of services to be provided in a particular date range. In addition, amended claim 1 includes the limitation "electronically identifying at least one encounter associated with the service plan occurring within the date range." As described in paragraph 18, line 1, encounters refer to "services provided, attempted, or missed." 4GL does not receive or store information relating to services provided, attempted, or missed. 4GL does not disclose or suggest at least this combination of features of claim 1. Accordingly, the Applicants submit that claim 1 is patentable over 4GL, and withdrawal of the rejection is respectfully requested.

As claim 1 is allowable, Applicants submit that claims 2-13, which depend from allowable claim 1, are likewise allowable over the cited prior art.

Amended claim 14 is directed to a method for entering encounter information into a storage system, including “receiving information describing a service encounter, the received information including an encounter type and the duration of the encounter,” and “storing information describing the service encounter in an electronic storage medium, the stored information including the encounter type and the duration of the encounter.” As discussed above, encounters refer to “services provided, attempted, or missed,” and 4GL does not receive or store information relating to services provided, attempted, or missed. Thus, 4GL does not include, at least these features of claim 14, as amended. Accordingly, claim 14 is patentable over 4GL, and withdrawal of the rejection is respectfully requested.

As claim 14 is allowable, the Applicants submit that claims 15-18, which depend from allowable claim 14, are likewise allowable over the cited prior art.

Amended claims 19, 20, and 31 contain language similar to the language of claim 1. The Applicants submit that claims 19, 20, and 31, as amended, are allowable over the cited prior art for reasons similar to those discussed above with reference to claim 1. As claim 20 is allowable, so dependent claims 21-29, which depend on claim 20, are allowable over the cited prior art.

New claims 32-39 further describe features of the invention. New claims 32-35 depend on independent claim 1, and new claims 36-39 depend on independent claim 19. As claims 1 and 19 are allowable, so new claims 32-39 are allowable.

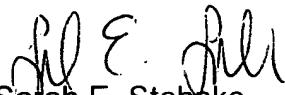
For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300.

Respectfully submitted,

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